

July 16, 2010

MINUTES
ILLINOIS CIVIL SERVICE COMMISSION
July 16, 2010

I. OPENING OF MEETING AT 11:04 A.M. AT 160 NORTH LASALLE STREET,
SUITE S-901, CHICAGO, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson (by telephone), Betty A. Bukraba (by telephone), and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); Jan Oncken and Roneta Taylor (by telephone), Illinois Department of Central Management Services; Todd Main, Michele Cusumano (by telephone), Lori Elston (by telephone), and Jay Curtis (by telephone), Illinois Department of Natural Resources; and Susan Gold and Rick DiDomenico, Illinois Department of Financial and Professional Regulation.

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 18, 2010

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER PETERSON, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 18, 2010.

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EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>No. of Exempt Positions</u>
Aging	143.....	11
Agriculture	424.....	16
Arts Council.....	19.....	2
Capitol Development Board	45.....	0
Central Management Services	1,479.....	115
Children and Family Services	3,001.....	48
Civil Service Commission	4.....	0
Commerce & Economic Opportunity	422.....	67
Commerce Commission.....	71.....	0
Corrections.....	11,181.....	104
Criminal Justice Authority	60.....	5
Deaf and Hard of Hearing Comm.	7.....	1
Developmental Disabilities Council	10.....	1
Emergency Management Agency	93.....	7
Employment Security.....	1,952.....	29
Environmental Protection Agency	917.....	17
Financial & Professional Regulation	491.....	41
Gaming Board.....	79.....	5
Guardianship and Advocacy	111.....	7
Healthcare and Family Services.....	2,284.....	25
Historic Preservation Agency	196.....	9
Human Rights Commission	14.....	2
Human Rights Department	146.....	8
Human Services	13,503.....	75
Insurance.....	231.....	11
Investment Board.....	3.....	1
Juvenile Justice	1,232.....	19
Labor.....	78.....	7
Labor Relations Board Educational	12.....	2
Labor Relations Board State	18.....	2
Law Enforcement Training & Standards Bd.....	17.....	2
Medical District Commission	2.....	0
Military Affairs	121.....	3
Natural Resources	1,254.....	24
Pollution Control Board.....	20.....	1
Prisoner Review Board	20.....	0
Property Tax Appeal Board	23.....	1
Public Health.....	1,075.....	43
Racing Board	2.....	0
Revenue	2,011.....	57
State Fire Marshal	137.....	12
State Police	1,320.....	5
State Police Merit Board.....	6.....	1
State Retirement Systems	79.....	2
Transportation.....	2,282.....	0
Veterans' Affairs.....	1,177.....	7
Workers' Compensation Commission	172.....	8
TOTALS	47,944.....	803

B. Governing Rule – Section 1.142 Jurisdiction B Exemptions

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
 - 1) The amount and scope of principal policy making authority;
 - 2) The amount and scope of principal policy administering authority;
 - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
 - 4) The capability to bind the agency, board or commission to a course of action;
 - 5) The nature of the program for which the position has principal policy responsibility;
 - 6) The placement of the position on the organizational chart of the agency, board or commission;
 - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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C. Requests for 4d(3) Exemption

- As to Item C1, this request is for a Deputy Director position with the Department of Natural Resources which reports to the agency Director. This request was continued from May's meeting. This position is located in Franklin County and will serve as a downstate Deputy Director with principal programmatic responsibility for several agency programs, some of which are headed by presently 4d(3) exempt positions. Staff did not have a concern with the qualification of this position as much as the impact it may have on the continued exemption of these other subordinate positions. The agency made been made aware of this. For these reasons, Staff recommended approval of this request.
- As to Item C2, this request is for the Manager of the Illinois Coastal Zone Program in the Department of Natural Resources, a position that reports to the Director. This position also has been continued since May. This position is responsible for the overall operation of the Coastal Zone Program, a program that has its foundation in the federal Coastal Zone Management Act of 1972. It appears that this program has as its basic function the management of \$2,000,000 in federal grant money. The agency was able to clarify and expound upon this position's responsibility with this program to show that it does have significant programmatic responsibilities in managing this Coastal Zone Program. A new position description form was submitted which accurately sets forth these responsibilities. For these reasons, Staff recommended approval of this request. Chairman Kolker inquired whether the agency was able to work out the concerns that Staff had raised at the May meeting. Michele Cusumano, Human Resources Director at Department of Natural Resources, responded affirmatively.
- As to Item D, this request is for the Medical Coordinator position at the Department of Corrections. The agency requested that this be continued and Staff concurred with this request.
- As to Item E, this request is for the Administrative Services Organization (ASO) Manager in the Department of Human Services, a position that reports to the Division Director of Mental Health which reports to the Assistant Secretary. This position previously had its exemption rescinded due to extended vacancy. The agency now has a candidate to start on August 1. There has been no change to the position description since originally exempted. For these reasons, Staff recommended approval of this request.
- As to Item F, this request is for the Chief of Staff in the Department of Natural Resources, a position that reports to the Director. Consistent with past Commission practice with regards to such positions, Staff recommended approval of this request.

The three Department of Natural Resources requests were related to a reorganization which is now complete.

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- As to Item G, this request is for the Managing Director of Community Outreach for the Department of Public Health. The agency requested that this be continued and Staff concurred with this request.
- As to Item H, Executive Director Stralka noted this position had its exemption rescinded on May 21, 2010 due to extended vacancy. Due to administrative oversight, the position actually had an active incumbent, John Chambers, who was appointed to the position effective December 1, 2009. Because of a backlog in transactions processing, his information had not been posted to the system. Staff concurred with the request to reverse the rescission.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO GRANT AND CONTINUE THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:

The following 4d(3) exemption requests were granted on July 16, 2010:

C1. Illinois Department of Natural Resources

Position Number	40070-12-00-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Deputy Director
Incumbent	Vacant
Supervisor	Director
Location	Franklin County

C2. Illinois Department of Natural Resources

Position Number	40070-12-00-600-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Manager of the Illinois Coastal Zone Program
Incumbent	Vacant
Supervisor	Director
Location	Cook County

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E. Illinois Department of Human Services

Position Number	40070-10-76-000-30-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of Mental Health
Functional Title	Administrative Services Organization (ASO) Manager
Incumbent	Vacant
Supervisor	Mental Health Program Administrator, who reports to the Assistant Secretary, who reports to the Secretary
Location	Cook County

F. Illinois Department of Natural Resources

Position Number	40070-12-00-001-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Office of the Director
Functional Title	Chief of Staff
Incumbent	Vacant
Supervisor	Director
Location	Cook County

The following 4d(3) exemption requests were continued on June 18, 2010:

D. Illinois Department of Corrections

Position Number	40070-29-02-800-05-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs and Support Services
Functional Title	Medical Coordinator
Incumbent	Vacant
Supervisor	Chief of Health Services, who reports to the Director
Location	Cook County

G. Illinois Department of Public Health

Position Number	40070-20-01-100-20-81
Position Title	Senior Public Service Administrator
Bureau/Division	Community Public Health Outreach
Functional Title	Managing Director of Community Public Health Outreach
Incumbent	Vacant
Supervisor	Assistant Director who reports to the Director
Location	Cook County

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IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO REVERSE THE MAY 21, 2010 RESCISSION OF 4D(3) EXEMPTION STATUS FOR THE FOLLOWING POSITION, SUCH REVERSAL TO BE RETROACTIVE TO MAY 21, 2010:

The following 4d(3) exemption rescission was reversed on July 16, 2010, such reversal retroactive to May 21, 2010:

H. Manager, Tax Enforcement, Illinois Department of Revenue

Agency	Position Number	Functional Title
Revenue	40070-25-50-000-00-01	Manager, Tax Enforcement

IV. CONSIDERATION OF THE STATUS OF PRIVATE SECRETARIES EXEMPT FROM JURISDICTION B OF THE PERSONNEL CODE

Executive Director Stralka requested this matter be continued an additional month as he will be meeting with representatives of Illinois Department of Central Management Services to discuss this issue later this month.

Executive Director Stralka also reported on the status of the implementation of the new procurement model as set forth in SB51 which took effect July 1, 2010. This new model may impact the continued 4d(3) exemption of many positions involved in the present procurement process. Responding to a Commission inquiry in this regard, both Central Management Services and the Executive Ethics Commission were of the opinion that the exemptions for these be continued for a short period of time to allow for a smooth transition. It was the Staff recommendation and the consensus of the Commissioners to proceed in this manner.

V. CLASS SPECIFICATIONS

- None submitted.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.

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VI. MOTION TO GO INTO EXECUTIVE SESSION

IT WAS MOVED BY COMMISSIONER PETERSON, SECONDED BY COMMISSIONER BUKRABA, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO HOLD AN EXECUTIVE SESSION PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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VII. RECONVENE MEETING

Upon due and proper notice the regular meeting of the Illinois Civil Service Commission was reconvened at 160 North LaSalle Street, Suite S-901, Chicago, Illinois at 11:25 a.m.

PRESENT

Chris Kolker, Chairman; Raymond W. Ewell, Barbara J. Peterson (by telephone), Betty A. Bukraba (by telephone), and Ares G. Dalianis, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director (by telephone); and Susan Gold and Rick DiDomenico, Illinois Department of Financial and Professional Regulation.

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Report.

Agency	5/31/10	6/30/10	6/30/09
Agriculture	0	0	1
Central Management Services	0	0	2
Children and Family Services	6	5	12
Criminal Justice Authority	0	0	1
Employment Security	2	5	6
Healthcare and Family Services	0	1	16
Historic Preservation Agency	1	0	0
Human Services	2	2	1
Law Enforcement Training Standards Board	0	0	1
Natural Resources	0	0	15
Property Tax Appeal Board	1	4	2
Revenue	0	1	1
State Retirement Systems	0	1	0
Transportation	0	1	3
Veterans' Affairs	0	0	1
Workers' Compensation Commission	0	0	1
Totals	12	20	63

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IX. INTERLOCUTORY APPEAL

GT-50-09 (continued from June 18, 2010 meeting)

Employee	Terese E. Burton	Appeal Date	06/26/09
Agency	DFPR	Decision Date	05/26/10
Type	Geographical Transfer	ALJ	Daniel Stralka
Issue(s)	Motion to Dismiss (relocation was not a geographical transfer as set forth in the Personnel Code and Rules)	Proposal for Decision	Grant Motion to Dismiss.

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT MS. BURTON'S RELOCATION WAS NOT A GEOGRAPHICAL TRANSFER AS SET FORTH IN THE PERSONNEL CODE AND RULES AND THEREFORE, THE COMMISSION HAS NO JURISDICTION OVER THIS MATTER. THE COMMISSION ALSO ACKNOWLEDGES THAT MS. BURTON'S COLLECTIVE BARGAINING AGREEMENT CONTAINS A PROVISION THAT ADDRESSES GEOGRAPHIC TRANSFERS. THIS PROVISION-WHICH THE COMMISSION MUST GIVE FULL RECOGNITION AND EFFECT TO-SETS FORTH THAT A TRANSFER OF A SIGNIFICANT DISTANCE WITHIN COOK COUNTY CONSTITUTES A GEOGRAPHIC TRANSFER. IT IS THE FURTHER FINDING OF THE COMMISSION'S FINDING THAT MS. BURTON'S RELOCATION WAS NOT OF A SIGNIFICANT DISTANCE WITHIN COOK COUNTY. SINCE THIS PROVISION OF THE COLLECTIVE BARGAINING AGREEMENT CONTAINS MANDATORY LANGUAGE THAT IT IS ONLY ENFORCEABLE IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PARTIES WHICH PROVIDES FOR ADVANCED STEP FILING, THE COMMISSION IS WITHOUT AUTHORITY TO GIVE EFFECT TO THIS PROVISION. IN ACCORDANCE THEREWITH, THE PROPOSAL FOR DECISION OF THE ADMINISTRATIVE LAW JUDGE TO GRANT THE MOTION TO DISMISS IS AFFIRMED AND ADOPTED.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

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X. PUBLICLY ANNOUNCED DECISION RESULTING FROM APPEAL

DA-28-10

Employee	Yuri A. Simmons	Appeal Date	12/28/09
Agency	DOC	Decision Date	07/02/10
Type	Discharge	ALJ	Andrew Barris
Charge(s)	Unauthorized absences	Proposal for Decision	Charges are proven and warrant discharge.

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES ARE PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED JULY 2, 2010.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XI. APPEAL TERMINATED WITHOUT DECISION ON THE MERITS

S-29-10

Employee	Jamara M. Rogers	Appeal Date	01/07/10
Agency	DCFS	Decision Date	06/18/10
Type	Suspension	ALJ	Daniel Stralka
Issue(s)	Failure to perform duties	Proposal for Decision	Dismissed subject to Commission approval; withdrawn (settled).

IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER EWELL, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION TO DISMISS THE APPEAL.

KOLKER	YES	EWELL	YES
PETERSON	YES	DALIANIS	YES
BUKRABA	YES		

XII. STAFF REPORT

- No discussion.

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XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular meeting to be held on Friday, August 20, 2010 in the Commission's Chicago office.

XIV. MOTION TO ADJOURN

IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 11:30 A.M.